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December 6, 2021

In re Google Digital Advertising Antitrust Litigation, No. 1:21-md-03010 (PKC)
State of Texas, et al. v. Google LLC, No. 1:21-cv-06841 (PKC)

Dear Judge Castel:

We represent Facebook, Inc.¹ (“Facebook”) in the above-captioned multidistrict litigation. We write concerning Plaintiff States’ Reply to Defendant Google LLC’s Response to Plaintiffs States’ Motion for Leave to File the Unredacted Third Amended Complaint Under Seal (the “Reply”) (Dkt. 187) in the *State of Texas, et al. v. Google LLC* action, in which Facebook is not a party. In accordance with Rule 1.A of the Court’s Individual Practices, we note that no upcoming conferences are currently scheduled in this matter.

In their Reply, Plaintiffs are attempting to relitigate two orders of this Court requiring Plaintiffs to keep the identities of Facebook employees discussed in their complaint against Google under seal. On October 15, 2021, this Court entered an order granting Google’s request to seal the “names, job titles and e-mail addresses” of certain Google employees who were referenced in the Second Amended Complaint. (Dkt. 147.) On October 21, 2021, non-party Facebook submitted a letter respectfully requesting the Court afford “the same treatment being afforded to information about Google employees” to information about Facebook employees. (Dkt. 150.) That same day, this Court entered a Memo Endorsement of Facebook’s request, noting that the “Names, contact information, including email addresses of Facebook employees, if any, should be redacted before the Second Amended Complaint is publicly filed. (Dkt. 151.) Consistent with that order, Plaintiffs thereafter redacted the personally identifying information

¹ On October 28, 2021, Facebook, Inc. changed its name to Meta Platforms, Inc.

regarding Facebook employees, including job titles, from the Second Amended Complaint before publicly filing it. (Dkt. 152.)

On November 12, 2021, Plaintiffs filed their Third Amended Complaint along with a motion to file the unredacted Third Amended Complaint under seal. (Dkts. 174, 176.) In that motion to seal, Plaintiffs first sought to revisit the sealing issue the Court had already decided by arguing that only the names of “lower-level” Facebook employees should remain redacted and not the names of “higher-level” Facebook employees. (Dkt. 174 at 2-3.) Facebook submitted a response noting that this Court had already addressed this issue and requested that the Court afford the same protections to Facebook employees referenced in the Third Amended Complaint as it afforded to Facebook employees referenced in the Second Amended Complaint. (Dkt. 184.) This Court entered a Memo Endorsement of Facebook’s request on December 2, 2021. (Dkt. 186.)

In a reply to their motion to seal filed after the Court’s memo endorsement, Plaintiffs have yet again tried to revisit the Court’s Order. This time, Plaintiffs contend that they do not need to redact the job titles of non-party Facebook employees referenced in the Third Amended Complaint because Facebook’s most recent letter and the Court’s Memo Endorsement of it did not explicitly mention the redaction of job titles. (Dkt. 187 at 2-4.) But Plaintiffs’ position is clearly inconsistent with the Court’s previous orders and the treatment that was afforded the Facebook employees with respect to the Second Amended Complaint. The purpose of those orders was to protect the privacy interest of non-party Facebook employees and un-redacting job titles would likely defeat the purpose of the Courts’ prior orders.

Facebook therefore respectfully requests that the Court decline to revisit its prior orders on this issue and continue to require Plaintiffs to redact all personally identifying information regarding non-party Facebook employees before the Third Amended Complaint is publicly filed.

Respectfully submitted,



Kevin J. Orsini

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

cc: All Counsel of Record (via CM/ECF)